COMMUNITY AND STAKEHOLDER INVOLVEMENT IN PLANNING IN THE ATLIN TAKU REGION



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COMMUNITY AND STAKEHOLDER INVOLVEMENT IN PLANNING IN THE ATLIN TAKU AREA

— Recommendations to the Joint Land Forum —

Purpose

This paper recommends an approach to community and stakeholder involvement for planning in the Atlin Taku area of northwestern British Columbia. It responds to the need for effective community and stakeholder involvement in land use and wildlife management planning as contemplated in the *Draft Framework Agreement for Shared Decision Making Respecting Land Use and Wildlife Management* (the Framework Agreement), between the Taku River Tlingit First Nation (the TRTFN) and the Province of BC.

Once approved, the Framework Agreement will set the stage for planning processes that address land use and wildlife management over a thirty-six month period. A community and stakeholder involvement strategy is needed as a component of the planning processes once they begin (Spring 2008).

It should be noted that, while community and stakeholder involvement will be an integral part of planning undertaken by the TRTFN and BC, the details of the strategy will not be written into the Framework Agreement. Rather, the involvement strategy will be integrated into required planning work. This will allow the strategy to respond and adapt to circumstances that arise during planning, without revising the Framework Agreement.

The recommended approach to involvement described in this paper has been refined based on the results from community and stakeholder review, and review by BC and the TRTFN.

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For more information about planning in the Atlin Taku area visit ILMB's website: http://ilmbwww.gov.bc.ca/lup/lrmp/northern/atlin_taku/index.html.

Background

On March 23, 2007, the TRTFN and British Columbia, represented by the Integrated Land Management Bureau (ILMB), reached an interim agreement on a planning protocol for the Atlin Taku area. This *Framework Agreement for Shared Decision Making Respecting Land Use and Wildlife Management*, represents progress in efforts by the TRTFN and BC to achieve reconciliation in the Atlin Taku area, while addressing resource issues of significance to both parties. The Framework Agreement is expected to be approved by the end of March 2008.

The Framework Agreement sets out the purpose and scope of joint planning related to land use and freshwater fish and wildlife management, to be undertaken by ILMB and the TRTFN over a three-year period. A government-to-government "Joint Land Forum" (the Forum) will provide oversight for these activities, using a consensus-based approach to develop plans and recommendations.

The Minister of Agriculture and Lands delayed approval of the Framework Agreement to allow development of this community and stakeholder involvement strategy, consistent with the planning contemplated in the Framework Agreement.

The author was engaged to work with BC, the TRTFN, community interests, other stakeholders and potentially affected interests, to make recommendations with respect to an effective strategy for community and stakeholder involvement in planning. This paper resulted from that work.

Content of this Paper

An approach to community and stakeholder involvement is recommended that:

- responds to community and stakeholder concerns about involvement in the process;
- is consistent with principles and best practices for public involvement;
- conforms to current provincial policy with respect to public involvement in land and resources planning;
- reflects the budget and personnel resources available for planning; and
- respects the government-to-government relationship between the Province and First Nations.

There are a number of references in this paper to "community and stakeholder involvement" and "public involvement." These terms are used interchangeably and are intended to be inclusive of the full range of governments, agencies, organizations, businesses, groups and individuals potentially affected by the outcome of a land use plan in the Atlin Taku area.

Sections of the paper address:

- 1. design considerations related to circumstances in the Atlin Taku;
- 2. guiding principles for community and stakeholder involvement;
- 3. outline of planning requirements;
- 4. description of components of a proposed approach; and
- 5. a general description of the recommended planning and public involvement sequence.

Plans Contemplated Under the Framework Agreement

Much of the planning work described in the Framework Agreement for Land Use Planning, Collaborative Fish and Wildlife Management Planning, and Local Access Planning, will require that there be effective community and stakeholder involvement. Of these, the land use planning component is the most complex, with requirements for involvement by a wide range of potentially affected interests over an extended timeframe. The planning and public involvement requirements for the fish and wildlife and local access planning components are less well-defined and will be addressed in due course by the Joint Land Forum. Consequently, the main focus of this paper is on a recommended approach for community and stakeholder involvement in land use planning, with involvement in other plans considered in relation to these requirements.

Working with Other First Nations

The TRTFN and BC wish to honour government-to-government relationships with other First Nations in the region, including agreements that may already be in place or in progress. There is the desire for land use planning efforts and results to be sensitive to the interests and values held by neighbouring First Nations. Planning processes and decisions must not compromise Aboriginal rights, title and treaties, while supporting their continued development and definition, and building trust and respect for the importance of indigenous knowledge and practices.

In this regard, the TRTFN traditional area borders that of the Carcross/Tagish Tlingit and the Teslin Tlingit Council (The Dakh Ka Nations) and the Tahltan First Nations to the south. A letter of understanding exists between the TRTFN and the Dakh Ka Nations.

The Framework Agreement is also similar to an existing agreement between BC and the Tahltan First Nation (the *Tahltan-Integrated Land Management Bureau Joint Land Use Planning/Stewardship Framework*). Both agreements recognize that other First Nations with traditional territory need to be engaged on a government-to-government basis within their traditional territory. Mutually agreed mechanisms for engaging in the development of plans need to be worked out early in the implementation of the Framework Agreement so that the interests of neighbouring First Nations can be met.

Notwithstanding the government-to-government discussions, this involvement strategy anticipates the direct participation of First Nations' people in land use planning discussions with the Joint Land Forum and its technical working group, and participation in multi-party meetings and public events. Such participation does not preclude any government-to-government discussions that may be required during the plan approval stage.

Land Use Planning

Strategic land use plans in BC, as being undertaken in the Atlin Taku, lay out broad direction for land and resource management, over comparatively large geographic areas. The scope of plans vary, but plans generally contain:

- an overall vision for land use:
- a description of the nature of lands, resources and values;
- a description of current activities and uses;
- a description of the socio-economic conditions;
- objectives for land and resources values;
- management zones with various configurations of permitted uses, including protected areas;
- management strategies within zones, directed at achieving specific objectives;
- policy recommendations for governments; and
- implementation, monitoring and review requirements for the finished plan.

The final product is a plan that provides strategic direction for the management of lands and resources in the planning area. It contains maps that divide the planning area into management units. Resource management priorities and direction are established in each unit for resources or uses such as wildlife habitat, recreation, tourism, timber and minerals.

As a general rule, land use plans do not: dictate who receives tenures on Crown lands; address First Nation treaty rights and title; address coastal marine issues (such as offshore oil and gas, or management of marine resources); or contain recommendations related to statutory decisions (such as setting allowable cuts for timber harvests).

Subsequent, more detailed plans and resource management decisions are expected to be consistent with the direction provided by the strategic level land use plan.

Land use plans are developed through a series of technical steps that can, for the purposes of this paper, be described as:

- Preliminary organization.
- Assembly of background information.
- Defining management issues and objectives.
- Developing management scenarios.
- Selecting a preferred plan alternative.
- Formal plan approval.
- Implementation.
- Monitoring, review and amendment.

Effective community and stakeholder involvement in planning is a part of each step in the planning process, and generally focuses on the development and review of the products at each step.

Potentially Affected Interests in Atlin Taku Planning

The following is a preliminary list of potentially affected interests in relation to a land use plan for the Atlin Taku area. This is not a complete list, and the range of audiences for land use planning will need to be better defined during the organization stage of the process. This recommended community and stakeholder involvement strategy responds to this range of interests and to how and when they may need to be involved in the planning process.

Governments	Tenure Holders
 TRTFN Agencies of the BC Government Tahltan First Nations Carcross/Tagish Tlingit First Nation Teslin Tlingit Council Yukon Territorial Government Government of Canada State of Alaska 	 Guide Outfitters Fishing Guides Agricultural lease holders Mineral tenure holders Woodlot owners Timber tenure holders Trappers Recreation tenure holders
Local Community	Other Individuals or Groups
 Atlin Residents Atlin Advisory Planning Commission Atlin Improvement District Atlin Board of Trade Atlin Visitor's Bureau Atlin Recreation Centre Atlin District Airport Association Atlin Ski Club Association T'akhu Tlèn Conservancy Atlin Tlingit Development Corporation 	 Resident hunters and fishers Recreation users Industrial and business organizations Conservation groups Interested individuals Neighbouring communities

Design Considerations for Community and Stakeholder Involvement

The following specific considerations influence the design of community and stakeholder involvement in the implementation of the Framework Agreement:

- BC public policy that helps define the scope of available involvement options;
- the technical planning steps required to prepare a plan, and the products that must be prepared at each step of that process;
- the need to provide opportunities for review of planning products at a draft stage, in a timeframe that allows for reasonable input and follow-up (seasonal availability of people will be a consideration in Atlin);
- advice and concerns provided by interested parties during public review of the Framework Agreement that focused on the need for enhance community relationships and a transparent process;
- experience with best practices for public involvement in land and resources planning, and past experiences in the region and the community;
- experience with government-to-government land use planning initiatives between BC and First Nations (e.g., in areas such as Kalum, North Coast and other plans);
- intended scope of the plan and what that means in terms of who may need access to the planning process;
- recognition that different interests will be affected differently by a land use plan and may therefore rely on different methods for involvement in the process;
- intended timeframe for planning and available resources to support the process, including community and stakeholder involvement activities; and
- experience in the delivery of effective public planning processes, the resolution of issues inherent in such processes, and the needed flexibility to adapt to changing process requirements.

Guiding Principles for Public Involvement

In addition to the considerations listed above, there is a broader set of commonly accepted "principles" that help guide the design and delivery of community and stakeholder involvement for planning in the Atlin Taku area.

Transparency: The manner in which input is collected and used, the factors that are considered, and the reasons for decisions should be apparent to all participants.

Inclusiveness: Meaningful opportunities should exist to involve the broadest range of people with an interest in or who may be affected by planning outcomes.

Fair Representation: The public involvement process should provide for fair representation of affected interests and opportunities for all of those interests to participate.

Responsiveness: The process should be responsive to needs of participants and to changing circumstances that evolve during the process, including the selection of consultative approaches that are suited to particular issues and participants.

Problem Orientation: Participation should address clearly defined problems and respond to the needs of management agencies that need a particular plan product, and to local governments and non-government participants who are concerned about potential effects of decisions.

Availability of Best Information: Participants should have access to the best information possible in a format that they can understand and use.

Local and Traditional Knowledge Used: Local and traditional knowledge should be incorporated into the land use planning process.

Good Faith: Willingness should exist to be influenced by sound information and arguments, and to make appropriate modifications to processes and outcomes.

Efficient and Effective: Public participation should be integrated with steps in the planning process to the extent possible, taking into account efficient use of time and financial resources.

Adaptable Outcomes: Plans and decisions should remain open to change as ecological, economic or social circumstances change, and in response to technological innovations, field experience, shifts in social preferences, and new information.

Accountability: Decision-makers remain accountable for decisions and for the manner in which those decisions are made.

Recommendations for Community and Stakeholder Involvement

Overview

This community and stakeholder involvement strategy focuses on a suite of involvement methods that consists of:

- individual meetings between the Joint Land Forum or its Technical Working Group (both of which are described below) and community groups, licensed users, First Nations, public interest groups, government agencies, etc., and meetings between selected interests to address shared topics or specific issues;
- periodic 1-2 day technically-focused, multi-party working sessions in Atlin wherein "representatives" of the range of affected interests have an opportunity to exchange perspectives and to work together in providing information and reviewing draft planning products; and
- regular communications aimed at getting information out to a wide audience and soliciting comments and input (open house sessions, published and posted materials, newsletter updates, web access).

Description of Involvement Strategy Components

Collected experience from other successful planning initiatives in BC indicates that components of the strategy should include the following.

- 1. Public involvement is integrated with technical planning steps: The community and stakeholder involvement component of the process should be a set of activities that are fully integrated with the technical planning steps. *Appendix 1* contains an example of how the sequence of planning and public involvement steps might be integrated.
- **2. Product orientation:** The land use planning work should have a product orientation that is aimed at defining and preparing planning products. Community and stakeholder involvement begins early in the process and is aimed at:
 - a) providing information, insight and advice that allows technical work to be done that in turn results in draft planning products,
 - b) individually and with others, reviewing and working with planning products, and
 - c) assisting with the evolution of the work plan that moves the process forward.
- 3. The Joint Land Forum provides oversight: The Joint Land Forum (the Forum) provides oversight for the implementation of the Framework Agreement, including land use planning, and is accountable for the design and delivery of the associated community and stakeholder involvement strategy. The Forum also engages directly with parties as required to negotiate desirable outcomes and resolve difficult issues. (Refer also to the role of the Technical Working Group described below for its role in carrying out planning and public involvement activities under the direction of the Forum.)
- **4. Technical planning undertaken by a Technical Working Group:** A Technical Working Group (TWG) will be appointed by, and work under the direction of, the Forum. The TWG

conducts the detailed planning work on behalf of the Forum, including carrying out the work needed to engage community and stakeholder interests in the process.

The TWG will be responsible for collaborating with potentially affected interests, accessing necessary information and expertise, building draft planning products, bringing products and work plans for public review and discussion, and public reporting of the results of public input and events.

- **5. Pre-planning engagement:** At the beginning of the planning process, community and stakeholder groups should be contacted directly by the Forum (or TWG) to gauge the level of interest that exists for involvement in the planning process, and to discuss when and how that might take place. Key contacts can be identified and early concerns documented. "Representative" should be identified who can participate in periodic multi-party working sessions (see 8 below).
- 6. Community values information layer: At the outset of the planning process, a project should be undertaken to build a community values layer of information that becomes an input to the planning process, along with the Province's data base, information provided by the TRTFN, and information from other stakeholders. Collectively, this information serves as the starting point for planning work and an early indication of management issues and public concerns that the planning may need to address, and is an important component in a first multi-party working session.
- 7. Regular collaboration with affected interests a core activity: The foundation of this proposed involvement strategy is to establish and maintain regular contact between community and stakeholder groups and individuals and the TWG (on behalf of the Forum) as it works to prepare draft planning materials.

There will be a need for the Technical Working Group to convene meetings with individual sectors or groups regularly during the planning process. For example, at the beginning of the process, individual meetings can be expected to provide information about the planning process, to identify interests and concerns, to solicit information that may be available from each party, and to identify representatives to participate in periodic multi-party working sessions. Other meetings will be necessary to explore potential management objectives, as well as opportunities to resolve issues. Later in the process, there will be a need for joint meetings between groups to address incompatible objectives and overlapping interests.

The intent is for the Technical Working Group to undertake the tasks of planning by:

- working with people and groups in individual meetings to understand and document information, interests, issues and preferences, and to ensure understanding of the work being done by the Forum and the TWG;
- compiling the collected results from technical analysis and the meetings it conducts;
 and
- preparing draft planning materials and products (on behalf of the Forum) for use in multi-party working sessions.

- 8. Periodic multi-party working sessions: At key points in the process, there will be a need for an exchange of information and views among potentially affected interests, including interactions with respect to progress of the process, management objectives and strategies, and locations of management zones and what this means to a range of interests or users. Multi-party working sessions of 1-2 days duration are recommended to achieve interactive dialogue between potentially affected interests, and with the Technical Working Group and Forum. Such working sessions would:
 - be held at key points (milestones) in the planning process (perhaps 4-5 over the duration of the land use planning process;
 - be attended by 2-3 representatives from each potentially affected interest (as selected by those interests), including community groups of Atlin, TRTFN, other First Nations, licensed users, business interests, public interest groups, provincial agencies, other government jurisdictions, etc.;
 - have agendas that build on the work done in individual meetings, with a focus on reviewing planning materials, presenting perspectives, refining planning products and generating advice on future work in the planning process; and
 - allow for an exchange of views aimed at creating substantive interest-based results that the Technical Working Group can then use to build subsequent planning products.

Each working session would be preceded by a round of discussions between the TWG and individual interests (as per 7 above) relative to the development of the information and materials that would be addressed. The Forum, together with the TWG, is responsible for convening such working sessions and publicly reporting results.

9. Information dissemination and opportunity for inputs: Planning materials and updates on the progress of the process must also be broadly available for people or groups with interests in the land use plan, interest in a specific topic, or interest in the Atlin Taku area generally. A set of methods for disseminating information and eliciting responses are recommended.

Open Houses or Store Front Opportunities: From time to time in the process, open house sessions should be considered to provide an opportunity for anyone who is interested, to view materials and leave comments with the Forum. This provides access to the process for those people who do not otherwise participate, but would like an opportunity to access materials, either for general information or because of a specific concern, and puts a broader public audience in touch with the Forum. Open house sessions should follow multi-party working sessions so that results are available for review and comment by anyone who may wish to do so.

General Availability of Information: There will be a need to disseminate information to different audiences through the term of the Framework Agreement. There are a number of informational tools that can be employed for this purpose:

- published planning materials and maps available upon request;
- regular newsletter publications distributed through "usual" means in communities;
- information posted and/or available at convenient locations (e.g., Government Agent Office);
- website access to planning information;
- access to key contacts to whom questions can be directed; and
- advertising concerning the above.
- 10. Consulting with Alaska and Yukon: The Atlin Taku area is bordered on the west by the State of Alaska and on the North by Yukon. The ILMB has discussed the prospect of an Atlin Taku land use plan with officials in both jurisdictions, and they have expressed an interest in being consulted as the process gets underway and subsequently at key times.

There are several considerations for Alaska. The upland area above normal high water level in the lower Taku (on the Alaska side) is in the Tongass National Forest. Alaska also has interests in transboundary issues, including:

- the continued application of the Transboundary Waters Treaty of 1909; and
- planning outcomes that may affect wildlife populations that migrate across the border (Grizzly bears for example), access routes and management strategies.

BC has made a commitment to engage officials from Alaska in building a consultation strategy that is integrated with the community and stakeholder involvement strategy for land use planning, so that officials have ample opportunity to provide input in a manner that meets their interests. In addition, BC will provide an early opportunity to State officials to review any proposals that would reasonably be considered to have transboundary implications. An official has been identified to be the contact point for discussions with the State, bringing in various departments as required. A Memorandum of Agreement dated October 2005 guides the formal relationship between the BC and Alaska on transboundary issues.

Similarly, the City of Juneau boundary adjoins the plan area and the City has some zoning interests in the area. BC will work with the City of Juneau to build a consultation strategy that is consistent with the City's interests.

With respect to Yukon, a preliminary discussion with Yukon officials has identified Yukon government interests in Atlin Taku planning in relation to cross-border issues, including:

- management of wildlife, particularly caribou, and
- management of access routes.

Once the Framework Agreement is approved and a work plan for community and stakeholder involvement has been prepared, Yukon officials would like to re-engage to assess how best to contribute to the planning process.

Integrating Other Plans under the Framework Agreement

Collaborative Fish and Wildlife Management Plan (CFWMP)

In the case of interim fish and wildlife management, the Framework Agreement calls for inventory analysis results to be available for public review. Specific opportunities for public review should be offered on an as-needed basis. This can be done through the publication of reports with formal review periods, with comments directed to the Ministry of Environment and TRTFN, or through the TWG in its community and stakeholder discussions regarding land use planning.

In the longer term, draft CFWMP products will be the subject of community and stakeholder review. Although this process has yet to be worked out, the content of the CFWMP will focus on population management and habitat management. Habitat management is also clearly associated with, and affected by, a land use plan. While it is possible for these two planning initiatives to be conducted concurrently, the process and products associated with each initiative satisfying different requirements, there will be a need for products to be integrated.

At a point in the future, during year three according to the CFWMP timeline in the Framework Agreement, CFWMP products should be distributed for community and stakeholder review and comment, and considered alongside land use planning results to ensure compatibility. This can be accomplished using the communications mechanisms that have proven successful in the community and stakeholder involvement procedures for land use planning (TWG work, multiparty sessions), thus eliminating the need for establishing new mechanisms for review of the CFWMP components.

This appears to be the most efficient way to table CFWMP products given the need for integrated outcomes and the limited planning resources available. To make this work, the TWG would need to explain in its community and stakeholder discussions how the draft CFWMP products are being prepared, and how this relates to the land use plan.

Local Access Plan

The Framework Agreement calls for the development of a local access plan over a defined area near Atlin. A plan for the management of local access requires participants to reach agreement on specific uses of specific roads and trails, so that they can be permanently or temporarily closed for particular purposes (e.g., wildlife management, environmental protection or restoration, or recreational uses).

Given the focus on specific local access routes, it is also true that a local access plan will be of interest to a different set of people than the land use plan. Consequently, the public involvement procedures for land use planning are not aimed at accommodating the detailed nature of access planning discussions as part of land use planning forums.

A land use plan for the Atlin Taku area may include regional strategies for access that would give direction to local access management, but would not provide the kind of detail needed to prepare a local access plan. To engage people at the community level in both a land use planning process and a local access planning process at the same time would be very difficult, mixing strategic discussions with individual interests in historical uses of roads and trails. The local access plan will also come with its own workload that will tax available planning resources.

It is recommended that:

- local access planning not overlap with the land use planning initiative for at least the first year of the Framework Agreement, other than with preparatory work to clarify scope, procedures and potential issues;
- the Joint Land Forum focus initially on the design of local access planning procedures, including a purpose-designed public involvement strategy specific to the scale and scope for a local access plan (the how to), by reviewing available information about similar processes elsewhere in BC; and
- the Forum complete an inventory of roads and trails in the proposed local access planning area that can be available for public review as to completeness and accuracy (it is understood that there is an existing inventory of roads in the Atlin Taku region that is available for purposes of land use planning).

Appendix 1: Example of a Planning Sequence with Public Involvement

Land use planning will be undertaken through a series of sequential steps that are defined at the beginning of the process when a work plan is prepared, including: pre-planning preparations, identifying vision, objectives and needs, collecting and analyzing information, identifying management objectives and scenarios, choosing appropriate responses, and outlining implementation and monitoring approaches. Realistic tasks and times are set, with regular milestones for completing tasks within the scope of the process.

The following flowchart lays out a general sequence for how planning could evolve in the Atlin Taku area. It incorporates community and stakeholder involvement in a manner that illustrates how the recommended approach in this report might be integrated with technical planning steps.

There is obviously much more detail to the process than is described here — detail that will become available once there is a work plan in place for the process. This sequence is shown in a linear layout for ease of understanding. In practice, however, technical work continues throughout and some work can be undertaken in parallel, thereby reducing time requirements. In this sequence:

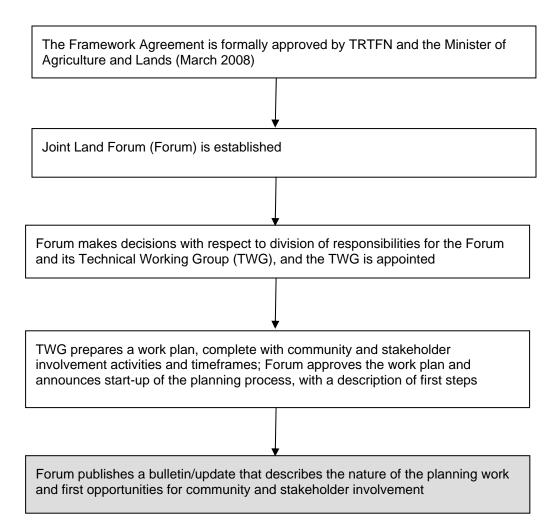
- development of consolidated planning materials and products is undertaken by the Forum and its Technical Working Group, following individual meetings with interested and affected parties;
- planning materials and products are brought forward in draft for review and refinement through multi-party working sessions;
- multi-party working sessions are attended by representatives of community and stakeholder groups (as selected by those interests); and
- information is available to anyone and opportunities exist to provide comment and advice to Forum at any time.

Legend:

In the following example, structured opportunities for public involvement are integrated with requirements for technical planning, and denoted by shaded boxes:

The <u>shaded boxes</u> denote points at which there would be structured public involvement opportunities. <u>This is a general example only</u> to illustrate how public involvement can fit within the planning process, and is not intended to be the specific sequence that would finally be adopted by the Forum in the Atlin Taku case.

Pre-Planning Stage



Orientation, Vision and Expectations



TWG prepares a preliminary scoping of range of issues that are appropriately addressed in a land use plan; also list issues which must be addressed in another fashion with suggestions for where and how: assesses the implications for the planning methodology and decides what specific steps to take in terms of the planning sequence and timeframes

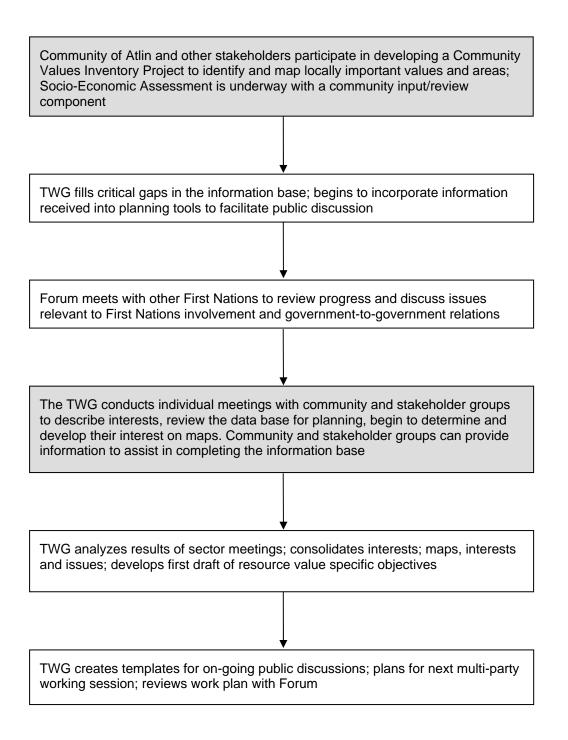
TWG takes its assessment to the Forum for review and direction re: completeness, sequencing, integration with other discussions, fine tuning of the public involvement strategy

Forum convenes a multi-party working session as a "visioning and orientation session" involving representatives from the range of community and stakeholder interests (as identified by those interests); participants gain an orientation to the process, work on a common of vision for the plan; contribute to discussions about scope of planning, interests and issues to be addressed and information to be sought

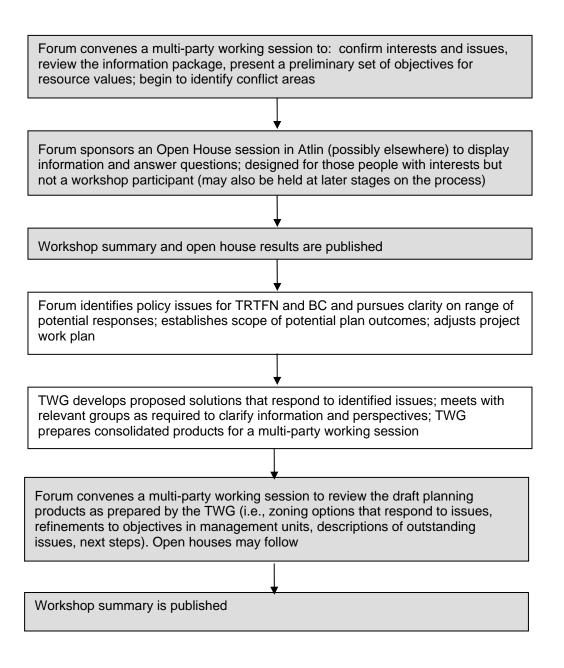
A workshop summary is prepared and published

Forum liaises with other parties as necessary, liaises with other First Nations, provides governments with early notice on policy implications; fine tunes work plan and seeks necessary resources

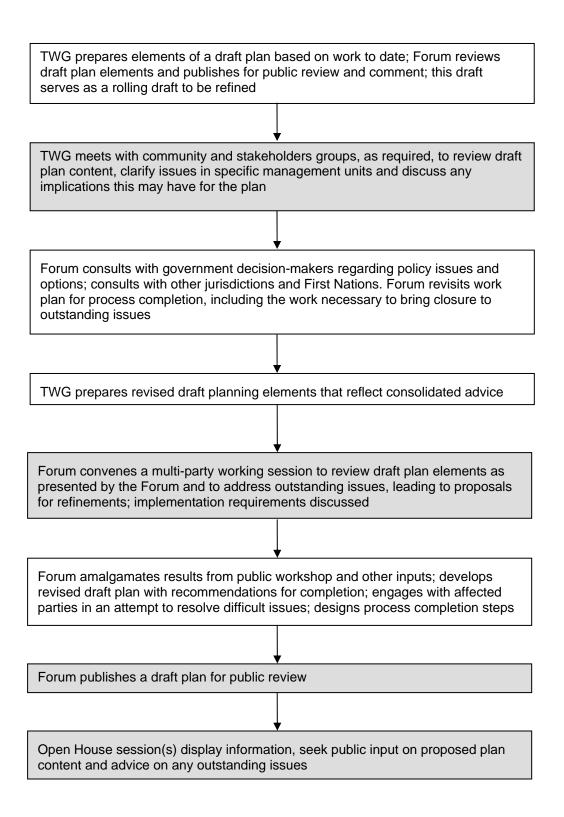
Collecting and Analyzing Information



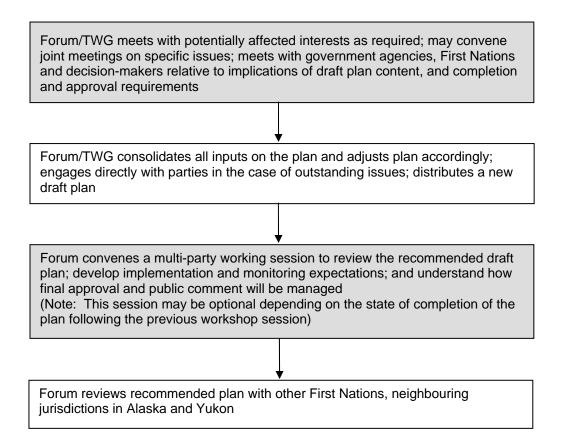
Identifying Issues and Developing Objectives



Preparing and Refining a Draft Plan



Preparing a Final Draft Plan



Approving a Plan

